

UNITED STATES DISTRICT COURT
DISTRICT OF VERMONT

BLUE CROSS AND BLUE SHIELD OF
VERMONT and THE VERMONT HEALTH
PLAN,

Plaintiffs,

v.

TEVA PHARMACEUTICAL INDUSTRIES,
LTD., TEVA PHARMACEUTICALS USA,
INC., TEVA SALES AND MARKETING,
INC., and TEVA NEUROSCIENCE, INC.,

Defendants.

Civil Action No. 5:22-cv-00159-gwc

JOINT MOTION REQUESTING CASE MANAGEMENT CONFERENCE

The parties agree that the case schedule should be amended following the Court's Opinion and Order on Motions to Dismiss, ECF No. 80.¹ After meeting and conferring in good faith, however, the parties have not reached agreement on a proposed schedule. The parties jointly request that the Court set a remote case management conference at the Court's earliest convenience to address and resolve areas of disagreement in the parties' case schedule counter-proposals.

For ease of reference, the Parties' respective proposed deadlines are set forth below. To assist the Court's review of their proposals, and if the Court so orders, the parties are each prepared to provide a brief statement (no longer than 3 pages) explaining their respective

¹ The parties' initial discovery schedule, ECF No. 52, included separate counterproposals from Plaintiffs and Defendants for the case schedule. *See id.* at 8-10. Thus, for most discovery and pretrial events, there are no controlling deadlines in place.

positions on the schedule and as to coordination with the New Jersey and Washington Cases² one week in advance of any conference.

PARTIES' COUNTER PROPOSALS FOR CASE SCHEDULE

Event	Plaintiffs' Proposal	Defendants' Proposal	
Deadline to serve all interrogatories, requests for production, and requests for admission	The parties agree to serve initial requests for production by March 22, 2024 (Two months after MTD Order).		
	The parties agree to make rolling productions of documents, beginning promptly and continuing regularly throughout the discovery period.		
	All requests for production must be served prior to October 22, 2024 (Two months before deadline for completion of document production), absent good cause for later service. All interrogatories and requests for admission must be served prior to December 26, 2025 (One month before all discovery closes).	All requests for production, interrogatories, and requests for admission must be served by May 25, 2025 (Two months before fact discovery closes).	
Substantial completion of production shall take place, and the parties shall certify substantial completion	October 22, 2024 (Four months before fact discovery closes)	March 25, 2025 (4 months before fact discovery closes, only if a schedule including an ~18 month fact discovery period is entered)	
Completion of production of documents shall take place	December 23, 2024 (Two months before fact discovery closes)	Fact discovery shall be completed	18 months after MTD Order (July 25, 2025)
Fact discovery shall be completed / depositions of all non-expert witnesses shall be completed	February 24, 2025 (13 months after MTD Order)		

² *Mylan Pharms. Inc. v. Teva Pharms. Indus. Ltd. et al.*, Civil Action No. 2:21-13087 (JXN) (JSA) and *In re: Copaxone Antitrust Litig.*, Civil Action No. 2:22-cv-01232 (JXN) (JSA); *King Cnty, et al. v. Teva Pharms. Indus. Ltd. et al.*, Civil Action No. 2:21-cv00477-RSL.

Deadline for Plaintiffs to file motion for class certification (including any class certification expert witness report(s))	6 weeks after fact discovery closes.	
	(April 7, 2025)	(September 5, 2025)
Plaintiffs to present their class certification expert(s) for deposition	<p>3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition, subject to change with reasonable notice and an opportunity to meet and confer regarding alternate dates. <i>See</i> Stipulation and Order Regarding Certain Expert Witness Discovery at ¶ 4.f, ECF No. 82 (“Expert Stip.”).</p> <p>Depositions are to be completed within 4 weeks of the report.</p>	
Deadline for Defendants to file opposition to Plaintiffs’ motion for class certification (including any class certification expert witness report(s))	8 weeks from Plaintiffs’ filing of their motion for class certification	
Defendants to present their class certification expert(s) for deposition	<p>3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition, subject to change with reasonable notice and an opportunity to meet and confer regarding alternate dates. <i>See</i> Stipulation and Order Regarding Certain Expert Witness Discovery at ¶ 4.f, ECF No. 82 (“Expert Stip.”).</p> <p>Depositions are to be completed within 4 weeks of the report.</p>	
Deadline for Plaintiffs to file replies in support of motion for class certification (including any rebuttal class certification expert report(s))	6 weeks from the Defendants’ filing of their opposition to Plaintiffs’ motion for class certification	
		(December 12, 2025)
Parties to meet and confer about whether there will be deposition(s) of expert(s) serving rebuttal report(s)	1 week after reply / rebuttal report(s)	To the extent that Plaintiffs’ experts issue rebuttal reports, Defendants have the right to depose them and do not believe a meet and confer is necessary.
Last day for depositions of expert(s) serving rebuttal report(s), if agreed upon by parties or ordered by court	3 weeks after agreement or court order	4 weeks after reply/rebuttal reports (January 9, 2026)
Merits experts: Deadline for party with burden of proof on an issue to serve its expert report(s) on that issue	6 months after fact discovery closes (August 25, 2025)	8 weeks after class certification briefing complete (February 6, 2026)

Depositions of opening merits expert witnesses shall be completed	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition, per Expert Stip. ¶ 4.f. Depositions are to be completed within 4 weeks after opening reports (September 22, 2025)	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition to be completed, per Expert Stip. ¶ 4.f.	
	The parties reserve the right not to depose an opening or responsive expert until after rebuttal reports have been served. If a party elects not to depose an opening or responsive expert prior to service of a responsive or rebuttal report, the parties agree to meet and confer in good faith to identify mutually agreeable dates and the appropriate sequencing for depositions of the opening, responsive, and rebuttal (if any) experts.		
Deadline for responsive expert reports	8 weeks after opening merits expert reports due		
	(October 20, 2025)	(April 3, 2026)	
Depositions of responsive merits expert witnesses shall be completed	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition, per Expert Stip. ¶ 4.f. Depositions are to be completed within 4 weeks after responsive reports (November 17, 2025)	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition to be completed, per Expert Stip. ¶ 4.f	
Deadline for the parties to serve rebuttal expert reports	6 weeks after responsive reports		
	(December 1, 2025)	(May 15, 2026)	
Deposition of rebuttal expert witnesses	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition, per Expert Stip. ¶ 4.f. Depositions are to be completed within 3 weeks after rebuttal reports (December 22, 2025)	3 days after disclosure of an expert witness report, sponsoring party to provide 3 proposed dates for deposition to be completed, per Expert Stip. ¶ 4.f	
The Early Neutral Evaluation session shall be conducted	With the consent of the parties, the Court has appointed Christina Nolan, Esq. to serve as special settlement master. The parties have begun meeting with Ms. Nolan to discuss a framework for a settlement process. The parties believe it will be most efficient to set a date for an official Rule 16.1 ENE session after further discussion with Ms. Nolan. The parties will report jointly to the Court no later than 60 days from the date of this order on the status of those discussions.		
All discovery shall be completed by	8 weeks after rebuttal expert reports are due (January 26, 2026)	All expert discovery shall be completed by	8 weeks after rebuttal expert reports due (July 10, 2026)

Motions for joinder of parties and amendments to the pleadings shall be filed on or before	One month after fact discovery closes (March 24, 2025)	3 months after the MTD Order (April 22, 2024)
Motions, including summary judgment motions and <i>Daubert</i> motions but excluding motions relating to the conduct of the trial, shall be filed on or before	One month after all discovery closes (February 26, 2026)	8 weeks after the close of expert discovery (September 4, 2026)
This case shall be ready for trial by	At the Court's convenience	

Dated: March 7, 2024

STRIS & MAHER LLP

By: /s/ Michael Donofrio
Counsel for Plaintiffs

DOWNS RACHLIN MARTIN PLLC

By: /s/ Matthew S. Borick
Counsel for Defendants